

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

RALLY CONCEPTS, LLC,

Plaintiff,

v.

**REPUBLICAN NATIONAL
COMMITTEE, et al.,**

Defendants.

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5:05-CV-41-DF

FINAL JUDGMENT

_____ On November 6, 2006, the Court called this case for trial. Plaintiff Rally Concepts LLC appeared and through its attorneys announced its readiness for trial. The Defendants, the Republican National Committee and The Spalding Group, Inc., also appeared and through their attorneys announced their readiness for trial. The Court determined that it had jurisdiction over the subject matter and the parties to this proceeding. A jury was selected on November 7, 2006.

The Court then impaneled and swore the jury, which heard the evidence and arguments of counsel beginning on November 13, 2006. The trial was completed on November 16, 2006. The jury rendered its verdict in the form of answers to the following questions:

Question No. 1:

_____ Do you find that the accused W04 symbol was independently created?

Answer Yes or No: YES

If you answered "Yes" to Question No. 1, you do not need to answer the remaining

questions but have the foreperson sign and date the verdict form.

If you answered “No” to Question No. 1, then answer the following Question:

Question No. 2:

Do you find that Rally has a valid copyright in the U.S. Rally Symbol?

Answer Yes or No: _____

If you answered “No” to Question No. 2, you do not need to answer the remaining questions but have the foreperson sign and date the verdict form.

If you answered “Yes” to Question No. 2, then answer the following Question:

Question No. 3:

Do you find that the accused W04 symbol is substantially similar to Plaintiff’s U.S. Rally Symbol?

Answer Yes or No: _____

If you answered “No” to Question No. 3, you do not need to answer the remaining questions but have the foreperson sign and date the verdict form.

If you answered “Yes” to Question No. 3, then answer the following Question:

Question No. 4:

Do you find that the accused W04 symbol was factually copied from the U.S. Rally Symbol?

Answer Yes or No: _____

_____ If you answered “No” to Question No. 4, you do not need to answer the remaining questions but have the foreperson sign and date the verdict form.

If you answered “Yes” to Question No. 4, then answer Question Nos. 5 and 6:

Question No. 5:

Do you find that defendant RNC was responsible for the distribution of the accused W04 symbol when RNC knew or should have known that such activity would constitute copyright infringement?

Answer Yes or No: _____

Question No. 6:

Do you find that defendant Spalding sold or distributed the accused W04 symbol?

Answer Yes or No: _____

If you answered “No” to both Question Nos. 5 and 6, you do not need to answer the remaining questions but have the foreperson sign and date the verdict form.

If you answered “Yes” to one or both of Question Nos. 5 and 6, then answer the following Question Nos. 7, 8, 9, 10, 11, and 12:

Question No. 7:

What sum of money, if any, do you find from a preponderance of the evidence would fairly and reasonably compensate Rally for lost profits resulting from infringement of the U.S. Rally Symbol by one or both of RNC and Spalding?

Answer in dollars and cents or “zero.”

\$ _____

Question No. 8:

Find the percentage of the loss of profits, if any, attributable to each Defendant:

RNC _____ %

Spalding _____ %

Question No. 9:

If you answered “Yes” to Question No. 6, what net profits, if any, do you find from a preponderance of the evidence Spalding earned from sales of the W04 symbol?

Answer in dollars and cents or “zero.”

\$ _____

Question No. 10:

If you answered yes to Question No. 5, do you find that defendant RNC willfully infringed Plaintiff’s copyright in the U.S. Rally Symbol?

Answer Yes or No: _____

Question No. 11:

If you answered yes to Question No. 6, do you find that defendant Spalding willfully infringed Plaintiff’s copyright in the U.S. Rally Symbol?

Answer Yes or No: _____

Question No. 12:

What amount of statutory damages do you find appropriate as to each Defendant?

Answer in dollars and cents or "zero."

RNC: \$ _____

Spalding: \$ _____

Because the jury found from a preponderance of the evidence that the W04 symbol was independently created and therefore not copied from the Plaintiff's U.S. Rally Symbol, the Court orders that Plaintiff take nothing by its suit and that the Defendants are in all things dismissed from this action.

All relief not granted herein is **DENIED**.

This is a **FINAL JUDGMENT**.

SIGNED this 16th day of November, 2006.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

Honorable David Folsom
United States District Court Judge